THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6371 of 2007

Date: 30.03.2007

Between:

Bandi Venkata Laxmi.

....Petitioner

And

Eastern Power Distribution Company of Andhra Prdesh Limited, rep., by its Assistant Divisional Manager, Operation, Kovvur(M), West Godavari District and others.

....Respondents

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O R D E R:

The premises of the petitioners are provided with power supply, through Service Connection Nos.10/Cat-I/P and 634/Cat-I/P of Savaram Village, Kovvur Mandal. Their premises were inspected on 08.03.2007. On finding that the meter disc was not rotating, even when all the appliances were put to use, the first respondent issued separate notices of provisional assessment, dated 13.03.2007. It was pointed out that the loss caused to the Company, on account of the tampering with the meters by the petitioners, is estimated at Rs.1,33,365/- and Rs.95,333/- respectively. The petitioners were required to submit explanation and were also given an opportunity to pay half of the said amounts, if they want continuance of power supply. The petitioners challenge the notices of provisional assessment.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents.

The Electricity Act, 2003 and the Rules made thereunder prescribe the procedure, to determine the liability of the consumers, whenever the acts of malpractices and pilferage are noticed. The actual liability of a consumer, in such cases, would be determined in an order of final assessment. Though the insistence of payment of any amount, on the strength of a notice of provisional assessment, cannot be sustained, this Court is of the view that the cases, involving tampering with the meters, stand on a different footing. The petitioners cannot be extended the power supply, without imposing any conditions, under these circumstances.

Therefore, the Writ Petition is disposed of, directing that the respondents shall restore the power supply to the premises of the petitioners, on their depositing a sum of Rs.33,000/- (Rupees Thirty Three Thousand Only) and Rs.24,000/- (Rupees Twenty Four Thousand Only) respectively. Their actual liability shall, however, depend upon the outcome of the orders of final assessment. There shall be no order as to costs.

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30.03.2007

Note: Issue C.C. in two days.

(B/o)

JSU